

## **EXHIBIT 9**

## Village of Airmont

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Ryan Karben  
Attorney-at-Law  
11 Tara Drive  
Pomona, NY 10970

December 27, 2017

RE: Congregation Ridnick, 22 Rustic Drive

Dear Mr Karben,

The definition you quote 210-12.1 (c) in your letter of July 18, 2017 is the correct definition for the category of House Of Worship. However the regulations to which the square footage of the HOW is pertinent are code sections 210-12.1 (b) 1-13.

210-12.1 (B) *Regulations and application.*

*(1) For the establishment of any residential place of worship that exceeds 1400 square feet, an applicant shall obtain site approval as set forth elsewhere in this Code. For the establishment of any residential place of worship that is 1400 square feet or less, an applicant shall apply for site review pursuant to this section of the Code.*

*(2) The floor area per person for a residential place of worship shall be calculated as 20 square feet per person.*

*(3) In addition to off-street parking required for the residence, additional off-street parking for any residential place of worship shall be provided at the rate of one parking space for every 200 square feet of the residential place of worship.*

*(4) Any single-family residence containing a residential place of worship shall comply with the area requirements applicable to a single-family residence in the district in which such building or structure is situated. The inclusion of a residential place of worship within the structure of an existing residence that is nonconforming with the area and bulk table requirements of the district in which such residence is situated shall not be deemed an intensification of any such dimensional nonconformity, provided that the size of such residential place of worship does not exceed the ratio of the lot on which the residential place of worship is located to the square footage required for a lot in that Zoning District applied to the maximum size of 1,400 square feet. By means of example, if a lot of 10,000 square feet is located in a district providing for a minimum of lot of 30,000 square feet requirement the square footage of the residential place of worship cannot exceed 1/3 of the 1,400 square feet.*

*(5) An application for a residential place of worship as defined by this Code shall be submitted to the Clerk to the Planning Board. That application shall include a standard request for issuance of a building permit, together with a proposed plan for the use and development of the site by the applicant. The plan shall include details regarding water, sewage, parking, traffic, driveway, fire and emergency, buffering for neighbors, and drainage.*

(6) The Building Inspector shall review the application and refer any complete application to the Planning Board within 10 days of its submission to the Clerk to the Planning Board. If the application provides for more than 1,400 square feet of space devoted to the conducting of religious services, the application shall be referred by the Building Inspector to the Planning Board for regular Planning Board site plan review and approval. If the application provides for 1,400 square feet of space or less devoted to the conducting of religious services, the application shall be referred by the Building Inspector the CDRC and the Planning Board for review.

(7) The Planning Board shall review all residential place of worship applications providing for 1,400 square feet of space or less devoted to the conducting of religious services in any residential district upon an expedited basis as described below in Subsection B(9) and (12). Such Planning Board review will include an immediate referral by the Clerk to the Planning Board to the CDRC of all issues set forth in the application. Issues regarding water, sewage, and drainage will be reviewed primarily at the CDRC by the Village Engineer to determine if proper engineering standards have been met. Issues regarding parking, traffic, access, fire and emergency, and buffering from neighbors will be reviewed by the Planning Board upon recommendation of the CDRC in accordance with the standards, guidelines and requirements applicable to those items.

(8) Within 10 days of submission of an application to the Clerk to the Planning Board, the Building Inspector shall provide written notification to the applicant and the Clerk to the Planning Board that the application has been received and that either the application is complete, or a certain aspect or aspects of the application are incomplete, along with a list of the specific items necessary to make the application complete.

(9) For application 1,400 square feet or less, the Planning Board shall render a decision on an application for a residential place of worship within 62 days of the Planning Board's receipt of a completed application. Should the Planning Board fail to approve the application for a residential place of worship within 62 days of the Planning Board's receipt of a completed application, the applicant shall be entitled to seek all appropriate judicial relief.

(10) Within 10 days of a favorable Planning Board decision and the applicant's compliance with all conditions in any Planning Board resolution, the Building Inspector shall issue a building permit to the applicant.

(11) Should either the CDRC of the Planning Board determine an application for a residential place of worship to be deficient for any reason, the CDRC of the Planning Board will provide written notification to the applicant of the basis for the deficiency, along with specific written directions that, if followed by the applicant, will cause such application to become acceptable to the CDRC and/or the Planning Board.

(12) All applications for residential places of worship shall be given priority in the scheduling of agenda items and hearings and in rendering of all decisions. That priority will include, but not be limited to, the placement of residential place of worship applications on the Planning Board or CDRC calendar before any other applications can be scheduled to be heard by the Planning Board or CDRC.



*(13) Any residential place of worship that exists prior to the enactment of this section shall be given 180 days to submit necessary documentation for approval consistent with the requirements herein.*

The most important section of this code as it pertains to your client would be section 210-12.1 (B) 4.

*(4) Any single-family residence containing a residential place of worship shall comply with the area requirements applicable to a single-family residence in the district in which such building or structure is situated. The inclusion of a residential place of worship within the structure of an existing residence that is nonconforming with the area and bulk table requirements of the district in which such residence is situated shall not be deemed an intensification of any such dimensional nonconformity, provided that the size of such residential place of worship does not exceed the ratio of the lot on which the residential place of worship is located to the square footage required for a lot in that Zoning District applied to the maximum size of 1,400 square feet. By means of example, if a lot of 10,000 square feet is located in a district providing for a minimum of lot of 30,000 square feet requirement the square footage of the residential place of worship cannot exceed 1/3 of the 1,400 square feet.*

Based on this section of the code, the proposed square footage, a total of 3035 is well above the 1400 sqft. allowed by the code for a Residential House of Worship.

If you have any questions or require further clarification feel free to contact me at Village Hall.

Best Regards,

A handwritten signature in black ink, appearing to read "Louis M. Zummo", written in a cursive style.

Louis M. Zummo  
Building Inspector  
Village of Airmont NY